

REMARKS

In response to the Office Action of October 3, 2007, the present application has been carefully reviewed and amended. Entry of the present amendment and reconsideration of the application are respectfully requested.

Applicant thanks Examiner Pani for the detailed Office Action mailed October 3, 2007.

Rejections under 35 USC §102

Claims 5-14 stand rejected under 35 USC §102(b) as being anticipated by US Patent No. 3,726,269 to Webster. [Paper 20070928, page 2]

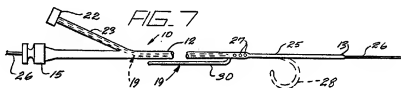
Claims 5-10, 12 and 13¹

Independent Claim 5 has been amended to recite in part “a controller connected to one of the catheter body and the guide wire, the controller selected to compensate for passage of an indicator from the indicator lumen through the terminal port.”

¹ Claim 11 has been cancelled.

Webster does not contemplate a flow of indicator through distal end of the catheter. Specifically, Webster effectively closes the end [13] of the catheter [10] to fluid flow.

The reduced inner diameter of tube 12 opens to the anterior end 13 of the tube to permit guidewire 26 to be passed through the catheter as shown in FIG. 7. Because the interior diameter of tube 12 is restricted throughout the length of anterior terminal portion 25, it is apparent that liquid flow passage 16 has an effectively closed anterior end adjacent to but spaced from the extreme anterior end of tube 12.. (Col. 5)



Therefore, there can be no compensation for such flow in Webster.

As Webster does not disclose at least this limitation of Claim 5, applicant respectfully submits Claim 5 distinguishes over Webster and is condition for allowance.

As Claims 6-12 and 13 depend from Claim 5 and include all the limitations thereof, these claims are also in condition for allowance.

Claim 14

Independent Claim 14 has been amended to recite in part, "compensating for passage of the indicator through the terminal port."

Again, as Webster effectively closes the end of the catheter to fluid flow, there is no step of compensating for passage of the indicator through the terminal port.

As Webster does not disclose at least this limitation of Claim 14, applicant respectfully submits Claim 14 distinguishes over Webster and is condition for allowance.

Rejections under 35 USC §103

Claims 15-18 are rejected under 35 USC 103(a) as being unpatentable over Webster in view of Samson et al. US Patent No. 5,782,811. [Paper 20070928, page 4]

The examiner asserts it would have been obvious to have modified the method of Webster by passing a guide wire assembly through the reduced diameter anterior end in order to reduce passage of the coolant as taught by Sampson and motivated by Webster. [Paper 20070928, page 5]

As set forth above, these claims have been amended to recite in part "compensating for passage of the indicator through the terminal port." The cited references are directed to reducing passage of coolant through the reduced diameter, and thus do not provide for any compensating for passage of indicator through the terminal port.

As the combination of Webster and Samson does not disclose at least this limitation of Claims 15-18, applicant respectfully submits Claims 15-18

distinguish over the combination of Webster and Samson, and are thus condition for allowance.

New Claims 19-27

Newly added Claims 19-22 depend from independent Claim 14 and include all the limitations thereof. Therefore, these claims are believed in condition for allowance.

Newly added 23-27 depend from independent Claim 5 and include all the limitations thereof. Therefore, these claims are believed in condition for allowance.

Applicant respectfully submits all the pending claims, Claims 5-10, 12-14 and 16-27, distinguish over the art of record and are in condition for allowance.

If, however, the Examiner believes that any further issues remain, Examiner Pani is cordially invited to call the undersigned so that any such matters can be promptly resolved.

Respectfully submitted,

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